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Forward

Solid Waste Management Bureau
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SOLID WASTE MANAGEMENT
A TIME FOR CHANGE

This fall the "Resource Conservation and Recovery Act of 1976" was signed by the president. Its objectives are to "promote the protection of health and the environment, to conserve valuable material and energy resources for the nation."

The Act addresses many problems of solid waste management and, of special interest to each state, provides for the following specific programs:

. . . establishment of an Office of Solid Waste Management within the Environmental Protection Agency (EPA);

. . . provides for regulation of the treatment, storage, transportation and disposal of hazardous wastes;

. . . prohibits future open dumping on the land and requires the conversion of existing open dumps;

. . . provides for technical and financial assistance to state and local governments for development of solid waste management plans including resource recovery systems;

. . . provides for the development and adoption of state Solid Waste Plans.

In general, compliance of the Act will be required within five years allowing states time to adopt the necessary measures and methods to implement it. Grants will also be available to assist in planning and development of various aspects of the Act.

Montana's Solid Waste Management Bureau welcomes the challenge this Act presents to the state. Its goals have long been those of the Bureau. It is time to begin serious work toward achieving them - it is time for a change.

The 1977 Legislature will be reviewing many pieces of legislation concerning solid waste management. Some of it will directly relate to complying with the federal act; some of it is necessary to achieve state objectives; and some of it may be premature.

HANDLING HAZARDOUS WASTE

CURRENT SITUATION

Existing Montana law provides very little control over the potentially dangerous disposal of hazardous waste materials. Presently those disposed of on private property are uncontrolled by the state and environmental damage goes unabated until resulting water pollution is found and clearly demonstrated.

Waste pesticides and uncleaned empty containers are the state's principal hazarous wastes. Pesticides have been collected under a cooperative program between the departments of Health and Environmental Sciences, Fish and Game, and Agriculture since 1969 at the rate of 22,450 pounds per year. Currently 75 tons of waste pesticide materials are stored in bunkers at Glasgow Air Force Base.

However, for the past two years, the Bureau has conducted a thorough study of the problems and possible solutions for handling hazardous wastes and has the necessary data to develop a workable program.

TIME FOR A CHANGE

The bunker facilities are excellent interim storage but are not suited for ultimate disposal of waste pesticides and other hazardous wastes. There are no developed landfills which meet the stringent requirements for hazardous waste disposal. The Solid Waste Management Bureau does not have the clear authority to pursue long range programs, develop such disposal sites nor does it have control over all hazardous wastes generated in the state.

RECOMMENDED SOLUTION

The legislature should amend the Montana Refuse Disposal Area Act to give the Department of Health and Environmental Sciences the specific authority to develop programs for the treatment, storage, transportation and disposal of hazardous wastes.

ENFORCING PRESENT LAWS

CURRENT SITUATION

The Montana Refuse Disposal Area Act of 1969 was designed to provide for the state's health and environmental protection through making it a criminal offense to operate an open, burning dump. The date of compliance with the Act's provisions was July 1, 1973. Of the state's 245 refuse disposal sites, 121 are not complying. The majority of these sites are operated by local governments.

TIME FOR A CHANGE

One of the problems with the present law is its enforcement procedures. The County Attorney of each county is responsible for prosecuting violations. This is a potentially divisive situation within local governments. In some cases, the attorney may be required to presecute his own county commission or a city council. In case of action by the state, the attorney may find himself in the position of being both defendant and prosecutor.

The fact that the penalty is "criminal" undoubtedly makes some attorneys and judges hesitant to prosecute or pass sentence.

RECOMMENDED SOLUTION

An amendment to the Montana Refused Disposal Area Act is recommended which would make such violations civil penalties and would allow the responsible state agency the option of filing action directly in district court if a local county attorney does not wish to prosecute violations. This amendment is considered to be extremely important since within five years such actions will also violate federal law.

PLANNING FOR A STATEWIDE SOLID WASTE MANAGEMENT PROGRAM

CURRENT SITUATION

The major part of the state's 670,000 tons of solid waste generated each year is buried in 245 separate refuse disposal sites. There are a few resource recovery programs such as

(continued on overleaf)

private recycling facilities and the state's junk car retrieval program.

Most cities and counties own and operate their own collection and disposal systems. Those which don't contract these services and retain some measure of solid waste management control.

TIME FOR A CHANGE

During the past two years, the Solid Waste Management Bureau has directed a study which analyzed current disposal methods and costs, identified markets and systems for using recoverable materials and energy, and developed a potential state-wide solid waste management program.

The resulting information shows the least-cost collection and disposal methods for refuse areas in the state and the potential of consolidating local sanitary landfills into 50 area-wide locations. It also identifies areas for possible development of resource recovery facilities which could use solid waste as a fuel to produce energy after recovering recyclable material.

Adoption and implementation of the proposed plan would require local initiative with state assistance. However, under present laws local governments are not specifically authorized to own and operate solid waste processing and resource recovery facilities nor market resulting products.

RECOMMENDED SOLUTION

Several laws relating to the authority of local governments need changing to allow implementation of area-wide solid waste management or resource recovery programs. These include the right to finance and construct the necessary facilities, to control the disposition of solid waste collected within their jurisdiction and to enter into long-term contracts for the various elements of such projects.

The state should have money available to assist local governments which show the intent and ability to initiate and pursue such programs. Such funds could provide planning and organizational financing or be used during the time interval between establishment of a management structure and securing permanent financing.

A statewide plan will only be developed through the actions of local governments. They must be given the power to act. They will also need help from the state.

REVIEWING SOURCE REDUCTION PROGRAMS

CURRENT SITUATION

Source reduction is defined as the prevention of waste at its source, either by redesigning products or by otherwise changing patterns of consumption. Four approaches are usually considered in achieving source reduction: 1) reducing material per unit of product; 2) increasing product lifetime; 3) increasing product reuse; and 4) public education to change patterns of consumption.

In Montana, a typical ton of solid waste includes:

Paper products	45%
Food or yard waste	22%
Glass	10%
Metals	8%
Wood	7%
Misc. (cloth, rubber, plastic, & leather)	7%
TOTAL	100%

TIME FOR A CHANGE

The EPA has stated that a total source reduction program "can provide some solid waste management savings in the short run and savings of a rather significant size in the long term." However, in a practical sense, it would be extremely difficult to initiate a total reduction system solely for one state.

Source reduction is a relatively new concept and possible methods of implementing the concept are being studied by EPA. Information concerning not only the environmental and energy effects of such programs but also the economic effects are needed to assess the desirability of each approach.

For instance, according to EPA, packaging wastes are the single largest product class in the municipal waste stream (one third by weight) and its consumption is growing. There are several techniques to reduce packaging material such as using larger containers, eliminating over-packaging and re-using containers. Regulatory and fiscal measures which could be used include a tax on package weight, a tax rebate for the use of recycled material and a unit tax on containers. Such controls, however, must be considered in terms of their impacts on the economy such as lost jobs, location shifts and obsolete equipment.

The "bottle bill" has become a popular type of source reduction legislation. While a program directed solely toward the beverage container might have some impact on the volume of solid waste, its impact would be minimal. In terms of energy savings, states which do not have primary manufacturers within their borders may find the costs of transporting returnable containers would result in a net energy cost instead of a savings.

RECOMMENDED SOLUTION

The Deputy Administrator of EPA told Congress that his department favored the implementation of a nationwide mandatory deposit law for beverage containers, phased in over a substantial period of time in order to decrease the inequities which would arise from a patchwork of state and local legislation. EPA is currently carrying out an analysis of methods of phasing in a deposit system in order to minimize the predicted serious economic dislocations which will result.

It is recommended that, prior to enacting legislation on the state level, the full range of source reduction possibilities be studied to determine their impact on the state's economy and that the objectives of each measure be carefully assessed in relationship to its impact on the total problem of solid waste management.

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This issue of FORWARD discusses the need for changes in Montana's Solid Waste Management programs. Please discuss this information with your legislator and encourage him/her to review it closely.

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